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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,171	06/08/1999	BRENT K. PARRISH	062891.0284	6443

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EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

DATE MAILED: 08/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/328,171

Applicant(s)

PARRISH ET AL.

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18, 20, 21, 24, 26, 37, 38, 40-44, 53, 54, 56-60 and 62-65 is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-10, 28-31, 34, 35, 46-51 and 66 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Continuation of Disposition of Claims:** Claims pending in the application are 2-5,7-12,14-18,20,21,24,26,28-31,34,35,37,38,40-44,46-51,53,54,56-60 and 62-66.

**DETAILED ACTION**

***Response to Amendment***

1. In response to the amendment filed on February 5, 2003, claims 2-5, 7-12, 14-18, 20, 21, 24, 26, 28-31, 34, 35, 37, 38, 40-44, 46-51, 53, 54, 56-60, and 62-66 remains pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4, 5, 7-9, 30, 31, 34, 35, 48-51, and 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Acampora et al (U.S. Patent 4,593,282).

Regarding to claim 7, Acampora discloses a telecommunication device, comprising a local area network (col. 1 lines 15-25); and a sender 101-103 coupled to the network (Fig. 1 col. 4 lines 66-67 and col. 5 lines 1-6) and operable to generate a message packet 501 comprising an arbitration code 514 (contention bits) and a data packet 510 (Fig. 5 col. 6 lines 47-62), the sender operable to communicate a first value (most significant bit) of the arbitration code using the network and to determine a network value (col. 7 lines 16-19, the bus value), the sender operable to compare the first value with the network value to determine whether the sender may communicate the data packet using the network (col. 7 lines 19-27) and further operable to communicate a second value (next most significant bit) of the arbitration code using the

network if the first value matches the network value (col. 7 lines 27-32, noted the next most significant bit in the priority word is transmitted once determine the previous most significant bit matches the bus value), wherein the first and second values of the arbitration code comprising first and second message priority codes values (Fig. 6 col. 68 lines 39-46).

Regarding to claims 4, 30, and 48, Acampora discloses the arbitration code comprises a message priority code and a sender address (col. 6 lines 54-59).

Regarding to claims 5, 31, and 49, Acampora discloses the sender is operable to determine that it may not communicate the data packet if the first value does not match the network value (col. 7 lines 19-24).

Regarding to claim 8, Acampora discloses a second sender 101-103 coupled to the network (Fig. 1 col. 4 lines 66-67 and col. 5 lines 1-6) and operable to generate a second message packet 501 comprising an arbitration code 514 (contention bits) and a data packet 510 (Fig. 5 col. 6 lines 47-62), the second sender operable to communicate a first value (most significant bit) of the arbitration code for the second message using the network and to determine a network value (col. 7 lines 16-19, the bus value), the second sender operable to compare the first value for the second message with the network value to determine whether the sender may communicate the data packet using the network (col. 7 lines 19-27).

Regarding to claims 9, 35, and 51, the message packet further comprises a destination code, the sender operable to communicate the data packet to one as a point-to-point message according to the destination code (Fig. 2 col. 5 lines 28-45).

Regarding to claims 34, 50, and 66, Acampora discloses a telecommunication device, comprising a local area network (col. 1 lines 15-25); and a sender 101-103 coupled to the network (Fig. 1 col. 4 lines 66-67 and col. 5 lines 1-6) and operable to generate a message packet 501 comprising an arbitration code 514 (contention bits) and a data packet 510 (Fig. 5 col. 6 lines 47-62), the sender operable to communicate a first value (most significant bit) of the arbitration code using the network and to determine a network value (col. 7 lines 16-19, the bus value), the sender operable to compare the first value with the network value to determine whether the sender may communicate the data packet using the network (col. 7 lines 19-27) and further operable to communicate a second value (next most significant bit) of the arbitration code using the network if the first value matches the network value (col. 7 lines 27-32, noted the next most significant bit in the priority word is transmitted once determine the previous most significant bit matches the bus value), wherein the first and second values of the arbitration code comprising first and second message priority codes values (Fig. 6 col. 68 lines 39-46); generate a second message packet 501 comprising an arbitration code 514 (contention bits) and a data packet 510 (Fig. 5 col. 6 lines 47-62); communicate a first value (most significant bit) of the arbitration code for the second message using the network and to determine a network value (col. 7 lines 16-19, the bus value); compare the first value for the second message with the network value to determine whether the sender may communicate the data packet using the network (col. 7 lines 19-27).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 28, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora in view of Ilyadis et al (U.S. Patent 5,898,694).

Regarding to claims 2, 28, and 46, Acampora discloses all the limitation with respect to claims 7, 34, and 50, except for the device is switching unit having a backplane and the network comprises a control bus.

However, Ilyadis discloses an arbitration switching unit having a backplane (col. 3 lines 51-52) and the network comprises a control bus (col. 3 lines 16-17).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the arbitration switching unit as taught by Ilyadis in Acampora's system for network efficiency and utilization in high speed transport.

6. Claims 3, 29, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora in view of Rothschild et al (U.S. Patent 5,822,523).

Regarding to claims 3, 29, and 47, Acampora discloses all the limitation with respect to claims 7, 34, and 50, except for the message packet is a physical layer message packet and the data packet comprises a message packet associated with a higher level protocol comprising one of Internet Protocol IP; Transmission Control Protocol TCP; and User Datagram Protocol UDP.

However, Rothschild discloses a computer network system with message packet using one of Internet Protocol IP; Transmission Control Protocol TCP; and User Datagram Protocol UDP (col. 3 lines 24-52).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include a message packet using one of the above protocols as taught by Rothschild in Acampora's system since these protocols are well known in the art to be use over the Internet.

7. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora in view of Matsuda et al (U.S. Patent 4,914,654).

Regarding to claim 10, Acampora discloses a telecommunication device, comprising a local area network (col. 1 lines 15-25); a sender 101-103 coupled to the network (Fig. 1 col. 4 lines 66-67 and col. 5 lines 1-6) and operable to generate a message packet 501 comprising an arbitration code 514 (contention bits) and a data packet 510 (Fig. 5 col. 6 lines 47-62), the sender operable to communicate a first value (most significant bit) of the arbitration code using the network and to determine a network value (col. 7 lines 16-19, the bus value), the sender operable to compare the first value with the network value to determine whether the sender may communicate the data packet using the network (col. 7 lines 19-27); and a plurality of receivers 101-103 also coupled to the network (Fig. 1 col. 4 lines 66-67 and col. 5 lines 1-6), the message further comprising a destination code having values for a plurality of positions (Fig. 5 col. 6 lines 54-58).



Acampora fails to teach for each position corresponding to a particular receiver, the sender identifying one or more receivers for the message packet according to the values of the positions corresponding to the receivers.

However, Matsuda discloses a multiplex transmission system for transmitting a frame to a plurality of nodes (receivers), wherein the frame comprising a destination address having values for each position corresponding to each node (Fig. 9 col. 7 lines 64-67 and col. 8 lines 1-12).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the destination address as taught by Matsuda in Acampora's system for simultaneous multi-destination transmission.

#### ***Allowable Subject Matter***

8. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 14-18, 20, 21, 24, 26, 37, 38, 40-44, 53, 54, 56-60, and 62-65 are allowed.

#### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD

August 5, 2003

A handwritten signature in black ink, followed by the date "8/6/03" written below it.